



General Assembly

January Session, 2011

***Raised Bill No. 6278***

LCO No. 2850

\* \_\_\_\_\_HB06278PH\_\_\_\_\_030711\_\_\_\_\_\*

Referred to Committee on Public Health

Introduced by:  
(PH)

***AN ACT CONCERNING THE DEPARTMENT OF DEVELOPMENTAL SERVICES DIVISION OF AUTISM SPECTRUM DISORDER SERVICES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17a-215 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 The Department of Developmental Services shall serve as the lead  
4 agency to coordinate, where possible, the functions of the several state  
5 agencies which have responsibility for providing services to [autistic]  
6 persons diagnosed with autism spectrum disorder.

7 Sec. 2. Section 17a-215c of the general statutes is repealed and the  
8 following is substituted in lieu thereof (*Effective from passage*):

9 (a) There is established a Division of Autism Spectrum Disorder  
10 Services within the Department of Developmental Services.

11 (b) The Department of Developmental Services shall adopt  
12 regulations, in accordance with chapter 54, to define the term ["autism"]  
13 "autism spectrum disorder", establish eligibility standards and criteria  
14 for the receipt of services by any resident of the state diagnosed with

15 [an] autism spectrum disorder, regardless of age, and data collection,  
 16 maintenance and reporting processes. The commissioner may  
 17 implement policies and procedures necessary to administer the  
 18 provisions of this section prior to adoption of such regulations,  
 19 provided the commissioner shall publish notice of intent to adopt such  
 20 regulations not later than twenty days after implementation of such  
 21 policies and procedures. Any such policies and procedures shall be  
 22 valid until such regulations are adopted.

23 (c) The Division of Autism Spectrum Disorder Services may, within  
 24 available appropriations, research, design and implement the delivery  
 25 of appropriate and necessary services and programs for all residents of  
 26 the state with autism spectrum [disorders] disorder. Such services and  
 27 programs may include the creation of: (1) [The Autism-Specific Early  
 28 Intervention Program, (AEI), designed to deliver services to] Autism-  
 29 specific early intervention services for any child [who becomes at risk  
 30 or is] under the age of three diagnosed with [an] autism spectrum  
 31 disorder; [and who was previously placed in the "birth-to-three"  
 32 program administered by the Department of Developmental Services;  
 33 (2) age three to twenty-one, inclusive, support services including  
 34 educational, recreation, life and skill coaching, and vocational and  
 35 transition services; and (3) over age twenty-one adult services,  
 36 including those services as defined by the pilot autism spectrum  
 37 disorder program established pursuant to section 17a-215b, as well as  
 38 related] (2) education, recreation, habilitation, vocational and  
 39 transition services for individuals age three to twenty-one, inclusive,  
 40 diagnosed with autism spectrum disorder; (3) services for adults over  
 41 the age of twenty-one diagnosed with autism spectrum disorder; and  
 42 (4) related autism spectrum disorder services deemed necessary by the  
 43 Commissioner of Developmental Services.

44 (d) The Department of Developmental Services shall serve as the  
 45 lead state agency for the purpose of the federal Combating Autism  
 46 Act, P.L. 109-416 and for applying for and receiving funds and  
 47 performing any related responsibilities concerning autism spectrum

48 [disorders] disorder which are authorized pursuant to any state or  
49 federal law.

50 (e) On or before February 1, 2009, and annually thereafter, the  
51 Department of Developmental Services [shall] may make  
52 recommendations to the Governor and the joint standing committee of  
53 the General Assembly having cognizance of matters relating to public  
54 health concerning legislation and funding required to provide  
55 necessary services to persons diagnosed with autism spectrum  
56 [disorders] disorder.

57 (f) The Division of Autism Spectrum Disorder Services shall  
58 research and locate possible funding streams for the continued  
59 development and implementation of services for persons [with autism  
60 spectrum disorders without mental retardation] diagnosed with  
61 autism spectrum disorder but not with intellectual disability. The  
62 division shall take all necessary action, in coordination with the  
63 Department of Social Services, to secure Medicaid reimbursement for  
64 home and community-based individualized support services for adults  
65 diagnosed with autism spectrum [disorders, but who are not mentally  
66 retarded] disorder but not with intellectual disability. Such action may  
67 include applying for a Medicaid waiver pursuant to Section 1915(c) of  
68 the Social Security Act, in order to secure the funding for such services.

69 (g) The Division of Autism Spectrum Disorder Services shall, within  
70 available appropriations: [, shall:] (1) Design and implement a training  
71 initiative that shall include training to develop a workforce; and (2)  
72 develop [an autism-specific] a curriculum specific to autism spectrum  
73 disorder in coordination with the Department of Higher Education. [;  
74 and (3) to the extent federal reimbursement permits, develop an  
75 education and training initiative eligible for the receipt of funding  
76 pursuant to the federal Combating Autism Act, P.L. 109-416.]

77 (h) The case records of the Division of Autism Spectrum Disorder  
78 Services maintained by the division for any purpose authorized  
79 pursuant to subsections (b) to (g), inclusive, of this section shall be

80 subject to the same confidentiality requirements, under state and  
81 federal law, that govern all client records maintained by the  
82 Department of Developmental Services.

83 (i) The Commissioner of Social Services, in consultation with the  
84 Commissioner of Developmental Services, may seek approval of an  
85 amendment to the state Medicaid plan or a waiver from federal law,  
86 whichever is sufficient and most expeditious, to establish and  
87 implement a Medicaid-financed home and community-based program  
88 to provide community-based services and, if necessary, housing  
89 assistance, to adults [with autism spectrum disorders who are not  
90 mentally retarded] diagnosed with autism spectrum disorder but not  
91 with intellectual disability.

92 (j) On or before January 1, 2008, and annually thereafter, the  
93 Commissioner of Social Services, in consultation with the  
94 Commissioner of Developmental Services, and in accordance with the  
95 provisions of section 11-4a, shall submit a report to the joint standing  
96 committee of the General Assembly having cognizance of matters  
97 relating to public health, on the status of any amendment to the state  
98 Medicaid plan or waiver from federal law as described in subsection (i)  
99 of this section and on the establishment and implementation of the  
100 program authorized pursuant to subsection (i) of this section.

101 (k) The independent council established [pursuant to section 17a-  
102 215b] in connection with the autism spectrum disorder pilot program  
103 previously operated by the Department of Developmental Services  
104 shall continue to advise the Commissioner of Developmental Services  
105 on all matters relating to autism.

106 Sec. 3. Subdivision (5) of section 17a-220 of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective from*  
108 *passage*):

109 (5) "Community residential facility" means a community-based  
110 residential facility which houses up to six persons with [mental

111 retardation or autism] intellectual disability or autism spectrum  
 112 disorder and which provides food, shelter, personal guidance and, to  
 113 the extent necessary, continuing health-related services and care for  
 114 persons requiring assistance to live in the community, provided any  
 115 such facilities in operation on July 1, 1985, which house more than six  
 116 persons with [mental retardation or autism] intellectual disability or  
 117 autism spectrum disorder shall be eligible for loans for rehabilitation  
 118 under this section and sections 17a-221 to 17a-225, inclusive. Such  
 119 facility shall be licensed and may be certified;

120 Sec. 4. Subsections (a) and (b) of section 17a-210c of the general  
 121 statutes are repealed and the following is substituted in lieu thereof  
 122 (*Effective from passage*):

123 (a) Whenever the term "Department of Mental Retardation" is used  
 124 or referred to in the following sections of the general statutes, the term  
 125 "Department of Developmental Services" shall be substituted in lieu  
 126 thereof: 1-101aa, 4-38c, 4-61aa, 4a-12, 4a-16, 4a-82, 5-259, 8-206d, 10-  
 127 15d, 10-76d, 10-145d, 17a-33, 17a-114, 17a-145, 17a-210, 17a-210a, 17a-  
 128 210b, 17a-211, 17a-211a, 17a-211b, 17a-212a, 17a-214, 17a-215, 17a-215a,  
 129 [17a-215b,] 17a-216, 17a-217, 17a-218, 17a-219b, 17a-219c, 17a-220, 17a-  
 130 226, 17a-227, 17a-227a, 17a-228, 17a-236, 17a-238, 17a-240, 17a-246, 17a-  
 131 247, 17a-247a, 17a-247b, 17a-247e, 17a-248, 17a-248g, 17a-270, 17a-273,  
 132 17a-274, 17a-276, 17a-277, 17a-281, 17a-475a, 17b-337, 17b-352, 17b-360,  
 133 17b-492b, 19-570, 19a-509d, 19a-576, 38a-488a, 38a-514, 45a-654, 45a-  
 134 656, 45a-674, 45a-676, 45a-677, 45a-681, 46a-11, 46a-11a, 46a-11c, 46a-  
 135 11d and 46a-11f.

136 (b) Whenever the term "Commissioner of Mental Retardation" is  
 137 used or referred to in the following sections of the general statutes, the  
 138 term "Commissioner of Developmental Services" shall be substituted  
 139 in lieu thereof: 4-5, 4b-3, 4b-23, 8-3e, 10-76i, 17a-4a, 17a-22a, 17a-210,  
 140 17a-212, 17a-212a, 17a-214, 17a-215a, [17a-215b,] 17a-217a, 17a-218, 17a-  
 141 218a, 17a-225, 17a-226, 17a-227a, 17a-228, 17a-229, 17a-230, 17a-232,  
 142 17a-238, 17a-240, 17a-241, 17a-242, 17a-244, 17a-246, 17a-247a, 17a-248,  
 143 17a-270, 17a-272, 17a-273, 17a-274, 17a-276, 17a-277, 17a-281, 17a-282,

144 17a-582, 17a-584, 17a-586, 17a-587, 17a-588, 17a-592, 17a-593, 17a-594,  
 145 17a-596, 17a-599, 17b-28a, 17b-244, 17b-244a, 17b-337, 17b-340, 17b-  
 146 492b, 19a-24, 19a-411, 19a-580d, 20-14j, 20-571, 45a-670, 45a-674, 45a-  
 147 676, 45a-677, 45a-681, 45a-682, 45a-692, 46a-11a, 46a-11c, 46a-11f, 54-  
 148 56d, 54-102g and 54-102h.

149 Sec. 5. Subsection (h) of section 26-30 of the general statutes is  
 150 repealed and the following is substituted in lieu thereof (*Effective from*  
 151 *passage*):

152 (h) The Commissioner of Environmental Protection may issue a  
 153 group fishing license to any tax-exempt organization qualified under  
 154 Section 501(c)(3) of the Internal Revenue Code of 1986, or any  
 155 subsequent corresponding internal revenue code of the United States,  
 156 as amended from time to time, for the purpose of conducting a group  
 157 fishing event or events for persons: (1) With a service-related or other  
 158 disability who receive services at a facility of the United States  
 159 Department of Veterans Affairs Connecticut Healthcare System, (2)  
 160 who receive mental health or addiction services from: (A) The  
 161 Department of Mental Health and Addiction Services, (B) state-  
 162 operated facilities, as defined in section 17a-458, or (C) programs or  
 163 facilities funded by the Department of Mental Health and Addiction  
 164 Services, as provided for in sections 17a-468b, 17a-469, 17a-673 and  
 165 17a-676, (3) with [mental retardation] intellectual disability or  
 166 diagnosed with autism spectrum disorder who receive services from  
 167 the Department of Developmental Services, as provided for in section  
 168 17a-217, or from facilities licensed by the Department of  
 169 Developmental Services, as provided for in section 17a-227, or (4)  
 170 receiving care from the Department of Children and Families, as  
 171 provided for in section 17a-94, or from programs or child-care facilities  
 172 licensed pursuant to section 17a-145, 17a-147 or 17a-154. Any such  
 173 organization shall conduct not more than fifty such events, including  
 174 marine and inland water events, in any calendar year and each such  
 175 event shall be limited to not more than fifty persons. Application for  
 176 such a group fishing license shall be submitted once per calendar year

177 on a form prescribed by the commissioner and with the necessary fee  
 178 and shall provide such information as required by the commissioner.  
 179 All fishing activities conducted pursuant to such group license shall be  
 180 supervised by staff or volunteers of the organization conducting the  
 181 event or events. Such staff or volunteers shall possess such group  
 182 fishing license at the site of any such event or events. Each such staff  
 183 member or volunteer shall have a license to fish. Such organization  
 184 shall, not later than ten days after such group fishing event, report to  
 185 the commissioner, on forms provided by the commissioner,  
 186 information on the results of such event. Such information shall  
 187 include, but not be limited to, the total: (i) Number of participants, (ii)  
 188 hours fished, (iii) number of each species caught, and (iv) number of  
 189 each species not released. Such organization shall not charge a fee to  
 190 any person that participates in any such group fishing event conducted  
 191 pursuant to such group fishing license and any such group fishing  
 192 event shall not be used by such organization as a fund raising event.

193 Sec. 6. Section 38a-488b of the general statutes is repealed and the  
 194 following is substituted in lieu thereof (*Effective from passage*):

195 Each individual health insurance policy providing coverage of the  
 196 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-  
 197 469 that is delivered, issued for delivery, renewed, amended or  
 198 continued in this state on or after January 1, 2009, shall provide  
 199 coverage for physical therapy, speech therapy and occupational  
 200 therapy services for the treatment of autism spectrum [disorders]  
 201 disorder, as set forth in the most recent edition of the American  
 202 Psychiatric Association's "Diagnostic and Statistical Manual of Mental  
 203 Disorders", to the extent such services are a covered benefit for other  
 204 diseases and conditions under such policy.

205 Sec. 7. Subsections (a) to (c), inclusive, of section 38a-514b of the  
 206 general statutes are repealed and the following is substituted in lieu  
 207 thereof (*Effective from passage*):

208 (a) As used in this section:

209 (1) "Applied behavior analysis" means the design, implementation  
210 and evaluation of environmental modifications, using behavioral  
211 stimuli and consequences, including the use of direct observation,  
212 measurement and functional analysis of the relationship between  
213 environment and behavior, to produce socially significant  
214 improvement in human behavior.

215 (2) "Autism services provider" means any person, entity or group  
216 that provides treatment for autism spectrum [disorders] disorder  
217 pursuant to this section.

218 (3) "Autism spectrum [disorders]" disorder" means [the] a pervasive  
219 developmental [disorders] disorder set forth in the most recent edition  
220 of the American Psychiatric Association's "Diagnostic and Statistical  
221 Manual of Mental Disorders", including, but not limited to, Autistic  
222 Disorder, Rett's Disorder, Childhood Disintegrative Disorder,  
223 Asperger's Disorder and Pervasive Developmental Disorder Not  
224 Otherwise Specified.

225 (4) "Behavioral therapy" means any interactive behavioral therapies  
226 derived from evidence-based research, including, but not limited to,  
227 applied behavior analysis, cognitive behavioral therapy, or other  
228 therapies supported by empirical evidence of the effective treatment of  
229 individuals diagnosed with an autism spectrum disorder, that are: (A)  
230 Provided to children less than fifteen years of age, and (B) provided or  
231 supervised by (i) a behavior analyst who is certified by the Behavior  
232 Analyst Certification Board, (ii) a licensed physician, or (iii) a licensed  
233 psychologist. For the purposes of this subdivision, behavioral therapy  
234 is "supervised by" such behavior analyst, licensed physician or licensed  
235 psychologist when such supervision entails at least one hour of face-to-  
236 face supervision of the autism services provider by such behavior  
237 analyst, licensed physician or licensed psychologist for each ten hours  
238 of behavioral therapy provided by the supervised provider.

239 (5) "Diagnosis" means the medically necessary assessment,  
240 evaluation or testing performed by a licensed physician, licensed



241 psychologist or licensed clinical social worker to determine if an  
242 individual has an autism spectrum disorder.

243 (b) Each group health insurance policy providing coverage of the  
244 type specified in subdivisions (1), (2), (4), (11) and (12) of section 38a-  
245 469 that is delivered, issued for delivery, renewed, amended or  
246 continued in this state shall provide coverage for the diagnosis and  
247 treatment of autism spectrum [disorders] disorder. For the purposes of  
248 this section and section 38a-513c, an autism spectrum disorder shall be  
249 considered an illness.

250 (c) Such policy shall provide coverage for the following treatments,  
251 provided such treatments are (1) medically necessary, and (2)  
252 identified and ordered by a licensed physician, licensed psychologist  
253 or licensed clinical social worker for an insured who is diagnosed with  
254 an autism spectrum disorder, in accordance with a treatment plan  
255 developed by a licensed physician, licensed psychologist or licensed  
256 clinical social worker pursuant to a comprehensive evaluation or  
257 reevaluation of the insured:

258 (A) Behavioral therapy;

259 (B) Prescription drugs, to the extent prescription drugs are a  
260 covered benefit for other diseases and conditions under such policy,  
261 prescribed by a licensed physician, licensed physician assistant or  
262 advanced practice registered nurse for the treatment of symptoms and  
263 comorbidities of autism spectrum [disorders] disorder;

264 (C) Direct psychiatric or consultative services provided by a  
265 licensed psychiatrist;

266 (D) Direct psychological or consultative services provided by a  
267 licensed psychologist;

268 (E) Physical therapy provided by a licensed physical therapist;

269 (F) Speech and language pathology services provided by a licensed

270 speech and language pathologist; and

271 (G) Occupational therapy provided by a licensed occupational  
272 therapist.

273 Sec. 8. Section 17a-215b of the general statutes is repealed. (*Effective*  
274 *from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	17a-215
Sec. 2	<i>from passage</i>	17a-215c
Sec. 3	<i>from passage</i>	17a-220(5)
Sec. 4	<i>from passage</i>	17a-210c(a) and (b)
Sec. 5	<i>from passage</i>	26-30(h)
Sec. 6	<i>from passage</i>	38a-488b
Sec. 7	<i>from passage</i>	38a-514b(a) to (c)
Sec. 8	<i>from passage</i>	Repealer section

***PH***      ***Joint Favorable***